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June 4, 2015

Via ECF (S.D.N.Y. and C.D. Cal.) and Email (D. Kan.)

The Honorable Denise L. Cote
United States District Court for the Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, NY 10007

The Honorable John W. Lungstrum
The Honorable James P. O'Hara
United States District Court for the District of Kansas
500 State Avenue, Suite 517
Kansas City, KS 66101

The Honorable George H. Wu
United States District Court for the Central District of California
312 North Spring Street
Los Angeles, CA 90012-4701

Re: *NCUA v. RBS Securities, Inc.*, No. 13-6726 (S.D.N.Y.)
NCUA v. RBS Securities, Inc., No. 11-5887 (C.D. Cal.)
NCUA v. RBS Securities, Inc., No. 11-2649 (D. Kan.)
NCUA v. Morgan Stanley & Co., No. 13-6705 (S.D.N.Y) (Lead Case)

Dear Judges Cote, Lungstrum, Wu, and O'Hara:

We write on behalf of NCUA, as liquidating agent, to provide notice of developments in another district court that affect discovery in these coordinated actions. On May 19, 2015, NCUA provided the Courts with notice that it had filed a motion under Rule 45(f) to transfer to the Southern District of New York a motion to quash a deposition subpoena that RBS witness James Whittemore had filed in the Northern District of Illinois. Earlier today, the Honorable Michael T. Mason granted NCUA's motion to transfer; his order is attached as Exhibit 1.

The Courts' May 20 order (ECF No. 297, 13-cv-06705) requires that "promptly after any such transfer the party seeking the discovery"—in this case, NCUA—"shall file in each district in this coordinated litigation copies of the motion papers related to the dispute." Accordingly, NCUA has asked Whittemore's counsel whether he intends to stand on the papers filed in the Northern District of Illinois. NCUA will act promptly upon receiving Whittemore's response.

Respectfully submitted,

/s/ Stephen M. Tillery

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